

AFFIDAVIT

Robert J. Sugarman, pursuant to 28 U.S.C. Robert J. Sugarman, pursuant
as follows:

1.1. 1. I am counsel to plaintiff in the matter of Franklin1. I am coun

2.2. We were recently allowed2. We were recently allowed to amend the
aa claim for a principal sum that would exclude the effect of an
enrollment form as reducing coverage.

3.3. We have propounded discovery relating to the new claim,
and with the consent of the defendant, the Court has allowed us to
propound the discovery.

4.4. The propounded discovery is relevant to the intentions and
conductconduct of the defendant, in regard to the matters at issue in the
Amended Complaint.

5.5. Without the answers to discovery, I believe the Court
cannotconclude that summarycannot conclude that summary jucannot c
defendantdefendant on the claim, for the reasons suggested in the discovery
itself:itself: the disclosure, lack of itself: the disclosure, la
considerationsconsiderations of the defendant inconsiderations of the defenda
a way to reduce coverage.

6.6. Therefore, pursuant to Rule 56(f), I believe that the
newly allowed discovery is required before judgment for defendant
may be considered.

I state the foregoing to be true and correct, I state the following penalties for unsworn perjury. Executed this _____ day of _____, 2003.

ROBERT J. SUGARMAN